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**From:** Eisenberg, Mindy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFB4C26BB6F44C7DB69F9884628B3EF9-EISENBERG, MINDY]  
**Sent:** 5/23/2019 12:37:42 PM  
**To:** Hurl, Kathy [Hurl.Kathy@epa.gov]  
**Subject:** RE: AZ tribal letter

Thanks!

Mindy Eisenberg  
Associate Director, Oceans, Wetlands & Communities Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4504T  
Washington, DC 20460  
(202) 566-1290  
eisenberg.mindy@epa.gov

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**From:** Hurl, Kathy  
**Sent:** Thursday, May 23, 2019 8:20 AM  
**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>  
**Cc:** Frazer, Brian <Frazer.Brian@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>  
**Subject:** Re: AZ tribal letter

## Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On May 22, 2019, at 5:50 PM, Eisenberg, Mindy <Eisenberg.Mindy@epa.gov> wrote:

Thanks Kathy, **Ex. 5 Deliberative Process (DP)**

Mindy Eisenberg  
Associate Director, Oceans, Wetlands & Communities Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4504T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

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**From:** Hurl, Kathy  
**Sent:** Wednesday, May 22, 2019 12:41 PM  
**To:** Frazer, Brian <Frazer.Brian@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>  
**Cc:** Chemerys, Ruth <Chemerys.Ruth@epa.gov>  
**Subject:** Re: AZ tribal letter

FYI – As I stated in an earlier email, I am coordinating with the Region and OGC on this response.

OGC will make David F. aware of this letter and this staff recommended approach today. I wrote a bullet for the weekly to OW – in which I forgot to mention Dave is a cc on this letter to Tomas.

## Ex. 5 Deliberative Process (DP)

If you agree with this approach, we will continue to coordinate and craft a memo for Dave and Matt when we have language on the national policy issues.

Thanks,

- Kathy

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**From:** Hurlb, Kathy

**Sent:** Wednesday, May 22, 2019 12:24 PM

**To:** Ziegler, Sam <[Ziegler.Sam@epa.gov](mailto:Ziegler.Sam@epa.gov)>

**Cc:** Goldmann, Elizabeth <[Goldmann.Elizabeth@epa.gov](mailto:Goldmann.Elizabeth@epa.gov)>; Moffatt, Brett <[Moffatt.Brett@epa.gov](mailto:Moffatt.Brett@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>

**Subject:** RE: ITAA Ltr - Requesting 106 Review of 404 Primacy

Sam, Elizabeth and Brett:

I just got off the phone with Simma and Tod and we really appreciate your willingness to coordinate on this response. In our discussion there were three points or issues we felt we could provide bullets on for your letter as they touch on national policy positions.

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Please let us know your timeframe to respond to this so we can assist in this effort and run this past our management for approval.

Thanks again, Kathy

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**From:** Hurlid, Kathy  
**Sent:** Wednesday, May 22, 2019 11:29 AM  
**To:** Ziegler, Sam <[Ziegler.Sam@epa.gov](mailto:Ziegler.Sam@epa.gov)>  
**Cc:** Goldmann, Elizabeth <[Goldmann.Elizabeth@epa.gov](mailto:Goldmann.Elizabeth@epa.gov)>; Moffatt, Brett <[Moffatt.Brett@epa.gov](mailto:Moffatt.Brett@epa.gov)>  
**Subject:** RE: ITAA Ltr - Requesting 106 Review of 404 Primacy

No, we are meeting with USACE and Army on the rule at that time.

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**From:** Ziegler, Sam  
**Sent:** Wednesday, May 22, 2019 11:06 AM  
**To:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Cc:** Goldmann, Elizabeth <[Goldmann.Elizabeth@epa.gov](mailto:Goldmann.Elizabeth@epa.gov)>; Moffatt, Brett <[Moffatt.Brett@epa.gov](mailto:Moffatt.Brett@epa.gov)>  
**Subject:** Re: ITAA Ltr - Requesting 106 Review of 404 Primacy

Sounds like a plan. BTW we have RTOC today with a session on az assumption. I'll send a follow up email on the info we will present today. I wonder if you are planning on calling in to ADEQs exec workgroup tomorrow? Just checking. From our end Liz will on the call. Tomas is out and so am I. It may be the final exec mtg. Thanks.

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Sam Ziegler  
EPA Region 9  
415-972-3399

Sent from mobile device

On May 22, 2019, at 7:33 AM, Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)> wrote:

Thanks so much for sending this forward. I understand, and think it is best, if Tomas responds, but in light of their citation of the case in MI, the current rule revision effort etc, would appreciate coordinating on this.

I plan to talk to OGC this am (I'm out this afternoon as is our tribal and NHPA attorney) so that we can provide language in response to EPA 's obligations the Tribe cites. I or Simma can then coordinate when you all are in the office later today.

Thanks, Kathy

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**From:** Ziegler, Sam  
**Sent:** Tuesday, May 21, 2019 6:41 PM  
**To:** Goldmann, Elizabeth <[Goldmann.Elizabeth@epa.gov](mailto:Goldmann.Elizabeth@epa.gov)>; Hurlid, Kathy

<Hurlid.Kathy@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>

**Subject:** FW: ITAA Ltr - Requesting 106 Review of 404 Primacy

See attached letter requesting EPA stay any consideration of Arizona's request for 404 assumption until EPA engages in consultation and completes a Section 106 review.

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**From:** ITAA-Verna Monenerkit <verna.monenerkit@itaa-az.org>

**Sent:** Tuesday, May 21, 2019 1:53 PM

**To:** ITAA-Verna Monenerkit <verna.monenerkit@itaa-az.org>

**Cc:** Ross, David P <ross.davidp@epa.gov>; 'rnelson@achp.gov' <rnelson@achp.gov>;

Brush, Jason <Brush.Jason@epa.gov>; Stoker, Michael B. <stoker.michael@epa.gov>;

'david.j.castanon@usace.army.mil' <david.j.castanon@usace.army.mil>;

Cabrera.misael@azdeq.gov

**Subject:** ITAA Ltr - Requesting 106 Review of 404 Primacy

Good Afternoon Mr. Tomas,

Please find attached the Inter Tribal Association of Arizona (ITAA) letter regarding follow-up Tribal Listening Session on Arizona's Efforts to Assume Primacy for the Administration of Clean Water Act Permit Programs which was held on Thursday, April 25, 2019, at the Heard Museum in Phoenix, Arizona.

Should you have any questions, please contact Ms. Maria Dadgar, Executive Director of ITAA, at (602) 258-4822.

Thank you,

Verna Monenerkit

Office Manager

Inter Tribal Association of Arizona

**p:** 602.258.4822 | **f:** 602.258.4825

**e:** [verna.monenerkit@itaa-az.org](mailto:verna.monenerkit@itaa-az.org)

**a:** 2214 North Central Avenue Phoenix, AZ 85004